

**AGENCY RULE**

**25.06.01.F1 Historically Underutilized Business Program**

*Approved September 16, 2016*

*Revised August 26, 2022*

*Next Scheduled Review August 26, 2027*

**RULE STATEMENT**

This rule establishes the procedures and responsibilities for the Texas A&M Forest Service to comply with state and A&M System Historically Underutilized Business (HUB) requirements.

**REASON FOR RULE**

This rule is necessary to ensure compliance with statutory requirements, and System Policy 25.06 and System Regulation 25.06.01, related to the HUB program.

**DEFINITION**

Historically Underutilized Business – a historically underutilized business is an entity with its principal place of business in Texas and is at least 51% owned by an Asian Pacific American, Black American, Hispanic American, Native American, American woman and/or Service Disabled Veteran who reside in Texas and actively participates in the control, operation and management of the entity's affairs.

**PROCEDURES AND RESPONSIBILITIES**

1. GENERAL

1.1 The agency will make a good faith effort to involve qualified HUBs in procurement contracts and transactions, in accordance with The Texas A&M University System Policy 25.06, System Regulation 25.06.01, and Texas Government Code Chapter 2161. The agency will not discriminate on the basis of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, or political belief or affiliation in the awarding of contracts. Every employee responsible for conducting business with outside vendors has the responsibility of making a good faith effort of ensuring that HUBs are afforded an equal opportunity to compete for all procurement and contracting activities.

1.2 The agency will promote and encourage HUB participation for all purchases and contracting opportunities, regardless of funding source.

1.3 The Director has designated the Purchasing Department Head as HUB Coordinator who is responsible for implementing all activities dealing with the HUB program. This individual reports directly to the Associate Director for Finance and Administration, with direct access to the Director and is responsible for all required HUB reports.

2. PROCUREMENT GUIDELINES FOR HISTORICALLY UNDERUTILIZED BUSINESS PARTICIPATION

* 1. In accordance with System Regulation 25.07.03, *Acquisition of Goods and/or Services*, the agency is responsible for procuring goods and services required by the agency at the specified quality and quantity level, and at the best value. Purchase orders will be awarded on the basis of competitive bidding whenever practicable. The agency will follow all guidelines outlined in System Regulation 25.07.03.

3. HISTORICALLY UNDERUTILIZED BUSINESS SUBCONTRACTING PLAN

* 1. The agency will evaluate, when feasible, contracts for probable subcontracting opportunities and involve qualified HUBs in subcontracting opportunities. This is a requirement for all procurements for $100,000 or more, as mandated by System Policy 25.06 and Texas Government Code Chapter 2161, Subchapter F.
  2. When feasible, the agency will conduct a pre-bid conference for HUB subcontracting plan explanation, subcontractor and prime contractor introductions, and project requirements.
  3. The agency will exempt a Mentor from the Subcontracting Good Faith Effort when the Mentor is utilizing a Protégé for a subcontract area.

4. MARKETING AND OUTREACH PROGRAMS

* 1. The agency will utilize the Texas Procurement and Support Services (TPASS) Centralized Master Bidder List (CMBL) to locate HUB vendors and will solicit bids from these HUBs for informal and formal bids. Departments are encouraged to solicit bids from HUB vendors when making purchases under their spot purchase delegation and will assist departments in matching HUB vendors to their spot purchase needs.
  2. The agency will participate, plan, and assist in economic opportunity forums deemed beneficial to the HUB Program, including but not limited to those sponsored by legislators, TPASS, other A&M System members, other State of Texas agencies, and institutions and private business entities.
  3. The agency will make available opportunities for HUB vendors to present and/or deliver their business capabilities to employees and the HUB Coordinator.
  4. In accordance with Texas Government Code Section 2161.065, the agency will participate as a member of the A&M System Cooperative Mentor-Protégé Program to encourage long-term relationships between vendors and HUBs. The goal of the program is to increase the ability of HUBs to contract with the state and/or receive subcontracts. The Mentor-Protégé Program provides professional guidance and support to HUBs and facilitates their development and growth.

4.5 The agency will provide general assistance to HUBs in the areas of certification, agency business and management procedures, and procurement and contracting opportunities.

4.6 The agency will develop and conduct a HUB Education Program for employees and implement other educational seminars, forums, etc. as deemed necessary.

5. REPORTING

5.1 The HUB Coordinator will report HUB activity on a monthly basis to agency senior management.

5.2 The agency will submit, by the required deadline, set by the State of Texas the Semi-Annual and Annual HUB Report as required by Texas Government Code 2161, Subchapter C.

**RELATED STATUES, POLICIES AND REQUIREMENTS**

[Texas Government Code 2161](http://www.statutes.legis.state.tx.us/SOTWDocs/GV/htm/GV.2161.htm)

System Policy, [*25.06 Participation by Historically Underutilized Business*](http://policies.tamus.edu/25-06.pdf)

System Regulation, [*25.06.01 Historically Underutilized Business Program*](http://policies.tamus.edu/25-06-01.pdf)

System Regulation, *[25.07.03 Acquisition of Goods and/or Services](http://policies.tamus.edu/25-07-03.pdf)*

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